

et al.") in view of U.S. Patent No. 3,094,428 to Hamilton, et al. ("Hamilton, et al.") and an article to Kargen, et al. in the Colloid Journal of the USSR, 1967, 29, 256-259 ("Kargen, et al. ").

This Supplemental Amendment is being filed to supplement and not replace the Amendment filed on October 27, 1999 and the Supplemental Amendment and accompanying Declarations filed on January 3, 2000.

Moreover, it incorporates herein the arguments, presented in the aforementioned amendments.

Nevertheless, this Amendment provides an additional reasons for this rejection of the claims being obviated.

Applicants are submitting herewith a copy of the Declaration under 37 C.F.R. §1.131 of Donald Huffman, one of the co-inventors, that was filed in the accompanying application having USSN 08/486,669. In the Declaration, Dr. Huffman testifies and provides evidence that the invention described and claimed in the above-identified application was completed in the U.S. prior to July 6, 1990, the date of publication of Kratschmer, et al.

As a result, Kratschmer, et al. is not a reference to the above-identified application and cannot be used as a reference against the present application. Moreover, the teachings of the secondary reference alone or in combination do not teach, disclose or suggest the present invention. Inasmuch

as Kratschmer, et al. is the sole primary reference, its removal as a reference obviates this rejection of the claims under 35 U.S.C. §103. Withdrawal thereof is respectfully requested.

It is respectfully submitted that the present case is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



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